

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THEO ILUNGI MAMBULA,

Plaintiff,

v.

OPINION & ORDER

MISSING AND EXPLOITED CHILDREN (AGENCY),

17-cv-966-jdp

Defendant.

Plaintiff Theo Ilungi Mambula, a Madison resident, has filed this lawsuit naming “Missing and Exploited Children (Agency)” as a defendant. He seeks leave to proceed *in forma pauperis*. The court has already concluded that Mambula qualifies for *in forma pauperis* status and is not required to prepay any amount of the \$350 filing fee.

The next step in this case is to screen the complaint. In doing so, I must dismiss any portion that is legally frivolous, malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. § 1915. Because Mambula is a pro se litigant, I must read his allegations generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972) (per curiam).

After reviewing the complaint with these principles in mind, I conclude that Mambula has failed to comply with Federal Rule of Civil Procedure 8 because he has not provided a short and plain statement of a claim. I will therefore dismiss his complaint and give him an opportunity to file an amended complaint.

ALLEGATIONS OF FACT

Mambula's allegations are somewhat difficult to follow. I take him to be saying that while he was on a trip to Tanzania in July and August 2017, he was followed by officers from the Tanzanian Department of Homeland Security. One of the officers told staff at a restaurant Mambula visited that Mambula "was a dangerous guy" and a "sex offender with no respect to women and children." Dkt. 1, at 2. The officers apparently got this information from an agency of the United States government he calls "Missing and Exploited Children." *Id.* at 3. He then says that he has been out of a job "for something that [he has] never done in [his] entire life," and that he "want[s] them to stop treating [him] like a criminal." *Id.*

ANALYSIS

Federal Rule of Civil Procedure 8(a)(2) requires a complaint to include "a short and plain statement of the claim showing that the pleader is entitled to relief." Under Rule 8(d), "each allegation must be simple, concise, and direct." The primary purpose of these rules is fair notice. A complaint "must be presented with intelligibility sufficient for a court or opposing party to understand whether a valid claim is alleged and if so what it is." *Vicom, Inc. v. Harbridge Merchant Serv's, Inc.*, 20 F.3d 771, 775 (7th Cir. 1994).

Mambula's allegations do not meet this standard. For starters, I cannot tell for certain who he believes harmed him. He has named "Missing and Exploited Children (Agency)" as a defendant. I'm not sure who he means by this, which would make it impossible to serve the complaint. One possibility is that he means the National Center for Missing & Exploited

Children, a District of Columbia non-profit organization.¹ Perhaps he means a formal arm of the federal or a state government. But he needs to better explain who he means to sue in this case.

Mambula also needs to explain how defendant harmed him. No matter who he names as a defendant, it is unclear what the events in Tanzania have to do with this case. He seems to be saying that defendant spread harmful, incorrect information about him. Is he saying that defendant interfered in job opportunities he had in Tanzania? Or is he saying that defendant interfered with job opportunities in the United States? Was he terminated from a job working for defendant? None of this is clear from his complaint.

Because Mambula's complaint does not comply with Rule 8, I will dismiss it and give him a chance to file an amended complaint that fixes these problems. He should draft his amended complaint as if he were telling a story to people who know nothing about his situation. In particular, he should explain exactly who he is saying violated his rights (and provide the exact name of that entity in the caption of the complaint), and then explain what that entity did to violate his rights.

I will give Mambula a short time to submit an amended complaint that fixes the problems discussed above. If he does not submit an amended complaint by the deadline set below, I will dismiss the case.

¹ See <http://www.missingkids.com/footer/aboutus/history>.

ORDER

IT IS ORDERED that plaintiff Theo Ilungi Mambula's complaint is DISMISSED for failure to comply with the Federal Rule of Civil Procedure 8. He may have until February 26, 2018, to submit an amended complaint that fixes the problems discussed above.

Entered February 5, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge